

REMARKS

In this Response, Applicant amends claim 15 and traverses the Examiner's rejections. Applicant amends the claims solely to expedite prosecution and does not acquiesce to any of the Examiner's rejections. Applicant's amendments to the claims are supported throughout the application. Applicant's silence with regard to the Examiner's rejections of dependent claims constitutes a recognition that the rejections are moot based on the Amendment and/or the Remarks relative to the independent claim from which the dependent claims depend. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent application. Upon entry of the Amendment, claims 1, 2, 4-19 and 21-26 are pending in the present application.

Applicant's Reply to Final Office Action

In the previous Office Action, the Examiner rejected the pending claims as being obvious over Salmon in view of Esposito.

In Applicant's Response to that Office Action, Applicant presented arguments that explained why neither Salmon nor Esposito taught or suggested at least the feature of claim 1 directed to "providing product information ... related to the one of the plurality of possible selections ... and comparing the one of the plurality of possible selections to one or more other ones of the plurality of possible selections."

In the Final Office Action, the Examiner did not substantively respond to these arguments. Instead, the Examiner rejected the pending claims as being obvious over Salmon in view of Esposito and newly cited Allred, without providing any explanation of how Allred teaches or suggests the above-cited feature of claim 1. At present, therefore, the Examiner has not provided any explanation of how the cited references teach or suggest the above-cited feature of claim 1.

As the Examiner knows, the Final Office Action does not comply with the Examiner's obligations under 37 C.F.R. § 1.104(c)(2), which provides that "the pertinence of each reference, if not apparent, must be *clearly explained* and each rejected claim specified." Applicant further directs the Examiner to M.P.E.P. 707, which provides that "[w]hen, on examination, any claim for a patent is rejected, or any objection ... made, notification of the *reasons for rejection*

and/or objection together with such information and references as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. § 132) should be given.”

As the Examiner also knows, the Examiner’s failure to provide a Final Office Action that complies with the above-cited authorities limits the Applicant’s ability to further prosecution of the present application.

Office Action ¶ 7

The Examiner rejected claim 15 as being directed to non-patentable subject matter. In reply, Applicant amends independent claim 15 to recite a computer-readable medium including instructions for a computer. This amendment traverses the Examiner’s rejection of claim 15 under 35 U.S.C. § 101.

Office Action ¶¶ 4-6

The Examiner rejected claims 1, 2, 4-19 and 21-26 under 35 U.S.C. § 103(a) as being unpatentable over Salmon in view of Esposito and Allred.

Claims 1, 2, and 4-14

Applicant’s independent claim 1 is directed to a method for interactively selecting a product in a networked environment. Among other things, Applicant’s independent claim 1 includes providing a product criterion to a client within a page, in which the product criterion includes a plurality of possible selections, receiving one of the plurality of possible selections from the client, and “providing product information to the client *within the page, the product information* related to the one of the plurality of possible selections received from the client, and *comparing the one of the plurality of possible selections to one or more other ones of the plurality of possible selections to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections.*”

As noted above, the Examiner did not substantively respond to Applicant’s previous arguments regarding Salmon and Esposito. Applicant thus re-presents those arguments here.

Salmon describes a user interface that can be used by buyers and sellers to broker transactions. As described in Salmon col. 6, l. 6 to col. 7, l. 58 and shown in Figs. 4a-4q, the

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user interface can guide a buyer to define a profile of a product to be purchased. For example, via the user interface, a buyer can select a category of information to be entered in the profile (e.g., the Function category in the pull-down menu of Fig. 4e). (Salmon col. 7, ll. 6-8.) Based on the buyer's selected category, the user interface presents the buyer with a screen showing characteristics associated with the category (e.g., the administrative, marketing/sales, manufacturing, general, and technical characteristics of Fig. 4e). (Salmon col. 7, ll. 8-10.) In some embodiments of Salmon, based on a buyer's selection of a characteristic, the user interface can present the buyer with a pop-up window on the screen, in which the pop-up window shows additional sub-characteristics from which to choose (e.g., the advertising, marketing, and sales sub-characteristics in Fig. 4f). (Salmon col. 7, ll. 10-17.) Salmon thus presents on a screen characteristics from which to choose, and, based on a chosen characteristic, presents on the screen sub-characteristics from which to choose. Salmon does not, however, provide on the screen product information that is related to a chosen characteristic and that compares the chosen characteristic to one or more different characteristics to assist a user in determining whether to purchase a product that includes the chosen characteristic, as is claimed in Applicant's independent claim 1. In contrast to Applicant's independent claim 1, Salmon presents only increasingly finer characteristics from which to choose, but not information that would assist a buyer in determining whether to purchase a product that includes the chosen characteristic compared to another characteristic. Accordingly, Salmon does not teach the feature of Applicant's independent claim 1 directed to "providing product information to the client within the page, *the product information* related to the one of the plurality of possible selections received from the client, and *comparing the one of the plurality of possible selections to one or more other ones of the plurality of possible selections to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections.*"

Esposito also describes a user interface that can be used by buyers and sellers to broker transactions. As described in Esposito col. 5, ll. 22-40 and Fig. 5, the user interface can present a user with an initial screen showing a plurality of product options from which to choose (e.g., Ford, Chevrolet, and Chrysler in Fig. 5, item 501). Based on a selected option from the initial screen, the user interface presents a second screen showing product information associated with the products that satisfy the selected option (e.g., information, such as photos, of a Ford Mustang in Fig. 5, item 502). (Esposito col. 5, ll. 28-35.) Esposito thus presents on a first screen user

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options and, based on a selection of an option, presents on a different second screen product information on products that satisfy the selected option. Esposito does not, however, present on the first screen product information that is related to a selected option and that compares the selected option to one or more different options to assist a user in determining whether to purchase a product that includes the selected option, as is claimed in Applicant's independent claim 1. Rather, Esposito merely presents product information on products that satisfy the selected option, but not information that would assist a buyer in determining whether to purchase a product that includes the selected option as opposed to another option. Moreover, Esposito presents the product information on a second screen that is different than the initial screen in which the product options are presented, in further contrast to Applicant's claim 1. Accordingly, Esposito also does not teach the feature of Applicant's independent claim 1 directed to "providing product information to the client within the page, *the product information* related to the one of the plurality of possible selections received from the client and *comparing the one of the plurality of possible selections to one or more other ones of the plurality of possible selections to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections.*"

Allred also describes a user interface that can be used by buyers and sellers to broker transactions. As described in Allred col. 3, l. 30 to col. 4, l. 15, a customer/buyer can interact with the interface to specify characteristics of a product (e.g., a greeting card, a poster, or a banner), identify all of the seller's products that meet the characteristics, preview the products, modify features of the products, and purchase the products. Allred presents product options to the customer/buyer and, based on receiving a selection of a product option, presents either information on those products that satisfy the selected option and/or further product options for selection by the customer/buyer. (Allred col. 3, ll. 58-67, claim 1, claims 8-11, and Fig. 21.) For example, as described in Allred claims 1 and 8-11 and shown in Figs. 2-7 and 21, Allred guides the customer/buyer to specify characteristics of a greeting card such as paper type, social occasion, design elements, text, language, and so forth. Allred does not, however, present product information that is related to a selected option (e.g., a paperstock for a greeting card) and that compares the selected option to one or more different options (e.g., a different paperstock for the greeting card) to assist a user in determining whether to purchase a product that includes the selected option, as claimed in Applicant's independent claim 1. Rather, Allred merely presents

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information on products that satisfy the selected option, but not information that would assist a customer/buyer in determining whether to purchase a product that includes the selected option (e.g., a greeting card fabricated from the paperstock) as opposed to another option (e.g., a greeting card fabricated from the different paperstock). Accordingly, Allred does not teach the feature of Applicant's independent claim 1 directed to "providing product information to the client within the page, *the product information* related to the one of the plurality of possible selections received from the client and *comparing the one of the plurality of possible selections to one or more other ones of the plurality of possible selections to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections.*"

As the Examiner knows, the Examiner must show that all of the features of Applicant's claims are satisfied by the cited references to establish a prima facie cases of obviousness under 35 U.S.C. § 103(a). As provided herein, none of the cited references, whether considered separately or in combination, teaches all of the features of Applicant's independent claim 1. The Examiner thus fails to provide prima facie cases of obviousness for at least this reason. Applicant's failure to address the motivation and reasonable expectation of success elements of 35 U.S.C. § 103(a) should not be interpreted as an admission that such elements are satisfied, but rather as a recognition by the Applicant that such elements are moot given the Examiner's failure to provide a showing of all of the features of Applicant's independent claim 1.

Accordingly, Applicant traverses the Examiner's 35 U.S.C. § 103(a) rejection of independent claim 1 and considers independent claim 1 to be allowable. Since claims 2 and 4-14 depend from allowable independent claim 1, claims 2 and 4-14 are allowable based on their dependency from an allowable base claim.

Claims 15, 16, 25, and 26

Independent claims 15 and 16 are companion computer-program-product and system claims to independent method claim 1. Accordingly, for the reasons provided with respect to allowable independent claim 1, Applicant considers independent claims 15 and 16 and claims 25 and 26 depending therefrom to be allowable.

Claims 17-19 and 21

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Applicant's independent claim 19 is directed to a system for assisting a user with a product selection. Among other things, Applicant's independent claim 19 includes a database and a server in communication with the database. The server is configured to retrieve a group of product criteria and an associated group of options from the database, display the group of product criteria and the associated group of options within a page, and, "based on a selection of an option from a client, *display product information within the page, the information being related to the selected option and comparing the selected option to one or more other options to assist a user at the client in determining whether to purchase a product that includes the selected option.*"

As provided herein with respect to independent claim 1, the cited prior art does not teach or suggest Applicant's claimed feature of "providing product information to the client within the page, *the product information* related to the one of the plurality of possible selections received from the client and *comparing the one of the plurality of possible selections to one or more other ones of the plurality of possible selections to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections.*"

Accordingly, Applicant traverses the Examiner's 35 U.S.C. § 103(a) rejection of independent claim 19 and considers independent claim 19 to be allowable. Claims 17, 18, and 21 depend from allowable independent claim 19 and are allowable based on their dependency from an allowable base claim.

Claims 22-24

Applicant's independent claim 22 is directed to a method for selecting a product. Among other things, Applicant's independent claim 22 includes presenting a page including a product criterion associated with two or more options, receiving from a client a selection of one of the two or more options, and, "based on the selection, *updating the page to include the product criterion, the associated two or more options, an indicator of the selection, and information related to the selection and comparing the selection to one or more other selections to assist a user in determining whether to purchase a product including the selection.*"

As provided herein with respect to independent claim 1, the cited prior art does not teach or suggest Applicant's claimed feature of "providing product information to the client within the page, *the product information* related to the one of the plurality of possible selections received

from the client and comparing the one of the plurality of possible selections to one or more other ones of the plurality of possible selections to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections."

Accordingly, Applicant traverses the Examiner's 35 U.S.C. § 103(a) rejection of independent claim 22 and considers independent claim 22 to be allowable. Claims 23 and 24 depend from allowable independent claim 22 and are allowable based on their dependency from an allowable base claim.

Based on the foregoing Amendment and Remarks, Applicant traverses the Examiner's rejection of claims 1, 2, 4-19 and 21-26 under 35 U.S.C. § 103(a).

CONCLUSION

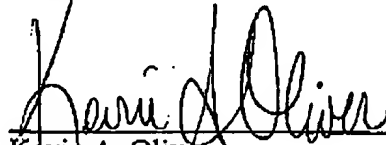
Based on the foregoing Amendment and Remarks, this application is in condition for allowance. Accordingly, Applicant requests allowance.

Applicant invites the Examiner to contact Applicant's Attorney if any issues are deemed to remain prior to allowance.

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